

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EDUARDO GARCIA and JULIA GARCIA,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 1:20-cv-02402

Hon. Rebecca R. Pallmeyer

ORAL ARGUMENT REQUESTED

**DECLARATION OF SHAWN R. OBI IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

I, Shawn R. Obi, hereby declare as follows:

1. I am an attorney licensed to practice in the State of California, have been admitted *pro hac vice* in the State of Illinois, and am a partner with Winston & Strawn LLP, counsel for Defendant Wells Fargo Bank, N.A. (“Defendant” or “Wells Fargo”) in the above-captioned matter. I am over eighteen years of age, and I have personal knowledge of each and every fact stated in this declaration. If called to testify, I could testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the deposition transcripts of Plaintiff Eduardo Garcia, dated April 25, 2022, April 26, 2022 and April 27, 2022.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Plaintiff Julia Garcia, dated May 5, 2022.

4. Attached as Exhibit 3 is a true and correct copy of the parties’ Joint Status Report (Dkt. 12), dated June 29, 2020.

5. Attached as Exhibit 4 is a true and correct copy of the Wells Fargo Form 10-Q for the Quarterly Period Ended June 30, 2018.

6. Attached as Exhibit 5 is a true and correct copy of an executive summary of the Attorney Fee Calculation Error – CIT 6214, bates-stamped WF_Hernandez_00106021-29.

7. Attached as Exhibit 6 is a true and correct copy of excerpts from the 30(b)(6) deposition transcript of Carmen Bell, dated August 2, 2019.

8. Attached as Exhibit 7 is a true and correct copy of the July 26, 2019 remediation check for \$14,500, bates-stamped GARCIA 00010.

9. Attached as Exhibit 8 is a true and correct copy of the November 18, 2019 remediation check for \$10,000, bates-stamped GARCIA 00012.

10. Attached as Exhibit 9 is a true and correct copy of excerpts from the deposition transcript of Miriahm Garcia, dated March 3, 2022.

11. Attached as Exhibit 10 is a true and correct copy of excerpts from the deposition transcript of Elena Briseño, dated February 2, 2022.

12. Attached as Exhibit 11 is a true and correct copy of excerpts from the deposition transcript of Susan Vega, dated February 3, 2022.

13. Attached as Exhibit 12 is a true and correct copy of excerpts from the deposition transcript of Martha Polo Koehler, dated February 4, 2022.

14. Attached as Exhibit 13 is a true and correct copy of Plaintiffs' Note, dated January 26, 2006 and bates-stamped WF_GARCIA_00000298-301.

15. Attached as Exhibit 14 is a true and correct copy of a mortgage services microfiche, bates-stamped WF_GARCIA_00001325-93.

16. Attached as Exhibit 15 is a true and correct copy of Plaintiffs' February 20, 2007 Temporary Forbearance Agreement.

17. Attached as Exhibit 16 is a true and correct copy of Plaintiffs' March 27, 2008 Loan Modification Denial.

18. Attached as Exhibit 17 is a true and correct copy of the September 21, 2008 Notice of Default.

19. Attached as Exhibit 18 is a true and correct copy of Plaintiffs' September 30, 2008 Special Forbearance Plan Agreement.

20. Attached as Exhibit 19 is a true and correct copy of Plaintiffs' August 26, 2009 Special Forbearance Plan.

21. Attached as Exhibit 20 is a true and correct copy of the November 20, 2008 Special Forbearance Plan Denial/Removal.

22. Attached as Exhibit 21 is a true and correct copy of the September, 23 2009 Special Forbearance Plan Denial/Removal.

23. Attached as Exhibit 22 is a true and correct copy of Plaintiffs' December 14, 2009 hardship letter.

24. Attached as Exhibit 23 is a true and correct copy of Plaintiffs' March 27, 2010 Loan Modification Agreement.

25. Attached as Exhibit 24 is a true and correct copy of Plaintiffs' April 8, 2010 Loan Modification Cancellation Notice.

26. Attached as Exhibit 25 is a true and correct copy of Plaintiffs' April 22, 2010 HAMP Loan Modification Application.

27. Attached as Exhibit 26 is a true and correct copy of Plaintiffs' August 24, 2010 HAMP Loan Modification Denial Letter.

28. Attached as Exhibit 27 is a true and correct copy of a loan history microfiche, bates-stamped WF_GARCIA_00000929 – 43.

29. Attached as Exhibit 28 is a true and correct copy of Plaintiffs' January 6, 2010 Loan Modification Denial Letter, bates-stamped WF_GARCIA_00002989-90.

30. Attached as Exhibit 29 is a true and correct copy of Plaintiffs' December 1, 2010 Loan Modification Denial Letter, bates-stamped WF_GARCIA_00000664-665.

31. Attached as Exhibit 30 is a true and correct copy of Plaintiffs' February 7, 2011 Loan Modification Denial Letter.

32. Attached as Exhibit 31 is a true and correct copy of the Report of Foreclosure Sale and Distribution of Plaintiffs' property, dated February 18, 2011.

33. Attached as Exhibit 32 is a true and correct copy of a letter log, bates-stamped WF_GARCIA_00000918-928.

34. Attached as Exhibit 33 is a true and correct copy of Plaintiffs' Chapter 7 Bankruptcy Petition.

35. Attached as Exhibit 34 is a true and correct copy of excerpts from the deposition transcript of Dr. Anita Pillai, dated April 15, 2022.

36. Attached as Exhibit 35 is a true and correct copy of excerpts from the deposition transcript of Dr. Lawrence Frank, dated April 8, 2022.

37. Attached as Exhibit 36 is a true and correct copy of excerpts from the deposition of Dr. Mark Loren Fehr, dated May 13, 2022.

38. Attached as Exhibit 37 is a true and correct copy of excerpts from Julia Garcia's Answers to Defendant Wells Fargo Bank, N.A.'s First Set of Interrogatories.

39. Attached as Exhibit 38 is a true and correct copy of the 2009 Foreclosure Action Docket Summary.

I hereby declare under the penalty of perjury that the foregoing statements made by me are true and correct.

Executed this 10th day of June, 2022 in Los Angeles, California.

Dated: June 10, 2022

/s/ Shawn R. Obi
Shawn R. Obi

Certificate of Service

The undersigned, an attorney, hereby certifies that on the 16th day of June, 2022, the foregoing Declaration of Shawn R. Obi in Support of Defendant's Motion for Summary Judgment was filed electronically with the Clerk of the Court for the United States District Court for the Northern District of Illinois, and was served by operation of that Court's electronic filing system on all parties of record.

Dated: June 16, 2020

/s/ Shawn R. Obi
Shawn R. Obi